

REMARKS

In her office action, the Examiner rejected claims 1-11 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,602,309 to Vizulis et al. ("Vizulis") in view of U.S. Patent No. 4,121,728 to Tagalakakis et al. ("Tagalakakis"). However, neither of these inventions teach the invention claimed by applicant. Further, there is no motivation to combine the teachings of Vizulis with those of Tagalakakis. Even if they are combined, Vizulis and Tagalakakis do not teach applicant's invention. Applicant therefore respectfully requests that the Examiner's 103(a) rejection be lifted.

Tagalakakis does not teach, *inter alia*, a liquid impermeable liner with at least one perforation extending through any portion of any liner. Indeed, Tagalakakis does not even teach a perforation or the use of a perforation in a liquid impermeable liner.

Vizulis similarly does not teach, *inter alia*, a liquid impermeable liner with at least one perforation extending through the liner to the ambient conditions on the inside and the outside of the container. The vent hole 20 of Vizulis does not extend through the liner. Specifically, as can be seen in FIG-3, the vent hole 20 does not extend through the liner's gas permeable vent patch 18. If the vent patch 18 of Vizulis was removed, the Vizulis liner would no longer be liquid impermeable. Neither Tagalakakis (which does not even have a perforation) nor Vizulis teaches a liquid impermeable liner with at least one perforation.

There is no motivation to combine the two references. Vizulis relies on the gas permeable vent patch 18 to allow for venting. It does not rely on the foil layer 14 for that purpose. The foil layer 14 does not vent. There is thus no motivation to look to substitute the aluminum layer of Vizulis with a layer capable of being liquid impermeable and gas permeable.

Further, even if there was a motivation to combine Vizulis and Tagalakakis (there is not), applicant's invention would not be had. Applicant has invented, as claimed, a liner (1) impermeable



to a liquid that is desirably maintained in the container and (2) semipermeable to gas and thus capable of allowing gas to flow through it at a selected pressure level. The foamed layer of Tagalaskis is not gas semipermeable. Therefore, substitution of the foamed layer of Tagalaskis for the aluminum layer of Vizulis would result not result in a liner that is selectively permeable to gas. Rather, it would result in a liner that is not permeable at all. Applicant has claimed a liner that is selectively permeable. Further, even if one substituted the layer of Tagalaskis into Vizulis, and then created the vent hole 20 without the vent patch 18, (which there is no suggestion to do) the liner would be neither liquid impermeable nor gas semipermeable. The vent hole 20 would cause the liner to leak liquids and be entirely permeable to gas.

Because there is no motivation to combine Tagalaskis and Vizulis to obtain the features of Applicant's invention and because, even if improperly combined, Tagalaskis and Vizulis fail to teach all features of applicant's claims, Applicant respectfully requests that the 103(a) rejection be withdrawn.

For informational purposes, applicant notes that in a separate submission applicant is submitting formal drawings.

Applicant has not added additional claims. Applicant therefore believes that no additional fee is necessary. However, should a fee be required, the Commissioner is requested and authorized to charge the unpaid amount to Deposit Account 23-0920.

Applicant hereby requests reconsideration and reexamination of the subject application. With the above remarks, this application is considered ready for allowance and Applicant

earnestly solicits an early notice of the same. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, she is respectfully requested to call the undersigned at the below-listed number.

Respectfully submitted,



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Dated: June 6, 2005

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